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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,086	09/04/2001	Tetsuro Kimura	05225.0219	3779

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Finnegan, Henderson, Farabow,  
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1300 I Street, N.W.  
Washington, DC 20005-3315

EXAMINER
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BATAILLE, PIERRE MICHE

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/944,086

Applicant(s)

KIMURA, TETSURO

Examiner

Pierre-Michel Bataille

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-13, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is taken in response to applicant's amendment Filed January 5, 2005. Claims 1-19 are pending in the application under prosecution.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9-14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,522,654 (Small) in view of US 6,614,788 (Martin et al).

With respect to claims 1, 10, and 19, Small discloses an information processing apparatus and method ***[programmable computer interface method and system (Fig. 3)]***, comprising: a program processing unit configured to execute a program described as an object-oriented language executed by a platform-independent machine language ***[computer based network device or processing network nodes (col. 3, Lines 51-56)]***; a monitor unit configured to monitor a change of a network address of the information processing apparatus ***[monitoring means to monitor changes in network addresses assigned to nodes (abstract; Col. 3, Lines 60-63)]***; and a reference

provision unit configured to provide a new network address of the information processing apparatus for another information processing apparatus when said monitor unit detects the change of the network address of the information processing apparatus ***[software interface for monitoring the network to identify a change of physical address assigned to the nodes and for receiving an updated physical address provided by the network devices when the updated physical address for a device on said network is determined (abstract; Col. 3, Line 64 to Col. 4, Line 2)]***. Small fails to teach or suggest, as newly recited in the claim, the second computer executing a directory service program the directory including a remote reference representing a network address of each of a plurality of computers, the remote reference configured to update the network address of the remote reference by using a net network address. However, Martin discloses network address allocation utilizing directory service under a network access sever program [Col. 8, Lines 8-57] to allocate network addresses in response to requests [Abstract; Col. 3, Lines 46-50] the system provides automatic network address allocation update of the directory to take account of changing network addresses [Col. 2, Lines 54-57] and the a network allocation mechanism configured to be responsive to a network allocation request to issue a network address [Col. 3, Lines 45-50]. Therefore, it would have been obvious to one of ordinary skill in the art to include the directory service program in the system by Small, because the result would have provided a system through software for enable network address allocation control management providing an efficient way of dynamic management and update of assigned network address, as taught by Martin [Col. 8, Lines 8-57].

With respect to claims 2 and 11, Small discloses an address resolution table in application comprising logical address based network protocol suite for maintaining updated network addresses configured for comparison (Fig. 6A; Col. 4, Lines 5-17, Lines 33-44); Martin additionally discloses the system wherein a remote reference control unit creates a remote reference of the first computer when a server object is generated in the first computer; the remote reference including the network address and a port number of the first computer [Col. 2, Lines 35-48].

With respect to claims 3 and 12, Small discloses maintaining address resolution table updated to identify new physical addresses (Fig. 6A; Col. 4, Lines 18-33); Martin additionally discloses the system wherein said remote reference control unit registers the remote reference in the directory service program of the second computer, a third computer referring to the remote reference of the second computer through the network to access the server object [Col. 2, Lines 54-60].

With respect to claims 4 and 13, Small discloses said monitor unit receiving response which identify new network address and updating the maintained address resolution table to identify new physical addresses (Fig. 6A; Col. 4, Lines 18-33)]; Martin additionally discloses network address acquisition unit acquiring a new network address of the first computer when said monitor unit decides that the network address of the first computer is changed [Col. 2, Lines 35-65].

With respect to claims 9 and 18, Small discloses programmable computer interface system configured for servicing requests on a network (Fig. 3; Col. 4, Lines 63 to Col. 5, Line 6); Martin additionally describes including a server terminal executing the server program to provide a service in response to a request from client's terminal (Col. 3, Lines 43-60].

### ***Allowable Subject Matter***

5. Claims 5-8 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,490,617 (Hemphill et al) teaching active discovery of devices participating in a network.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Tue-Fri (7:30A to 6:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre-Michel Bataille  
Primary Examiner  
Art Unit 2186

March 7, 2005

**PIERRE BATAILLE  
PRIMARY EXAMINER**